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8
9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

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12 NEVADA CONTROLS, LLC, a Nevada
Limited Liability Company,

Case No.: 3:12-cv-00068-HDM-VPC

13 Plaintiff,

14 v.

PLAINTIFF NEVADA CONTROLS'
REPLY IN SUPPORT OF
MOTION TO COMPEL

15 WIND PUMP POWER, LLC, a Kansas
16 Limited Liability Company, SUNFLOWER
WIND, LLC, a Kansas Limited Liability
17 Company; DAN RASURE, an individual,

18 Defendants.
19 _____

20 Plaintiff, Nevada Controls, LLC ("Nevada Controls"), submits it reply in support
21 of its Motion to Compel, filed April 18, 2013 (Doc. #57).

22 MEMORANDUM OF POINTS AND AUTHORITIES

23 I. INTRODUCTION

24 In response to Nevada Controls' second Motion to Compel, Defendants Rasure
25 and Wind Pump Power argue that they have produced 118 pages of additional
26 documents which "constitute all of the remaining documents" in their possession. Yet,
27 of the documents produced, some were duplicates of materials already provided or
28 they were completely irrelevant to the pending discovery requests. Defendants Rasure

1 and Wind Pump have still failed to provide the most basic of financial information,
 2 including copies of checks and the check register, which most certainly are in their
 3 possession and control. Moreover, Defendants have failed to provide supplemental
 4 responses to the discovery requests.

5 Defendant Sunflower Wind, LLC has filed a motion for an extension of time to
 6 respond to the Motion to Compel, and Nevada Controls will respond to that Motion
 7 separately. Thus, this Reply only addresses Defendants Wind Pump Power's and
 8 Rasure's Opposition.

9 II. DISCUSSION

10 Defendants Wind Pump Power and Rasure have still failed to provide responses
 11 to the discovery requests. Although a supplemental production was made on May 3,
 12 2013, it was woefully inadequate and did not provide the most basic documents, and
 13 some documents were duplicative or irrelevant to this pending case. (See Declaration
 14 of Leigh Goddard attached hereto). Of the discovery requests identified in the Motion
 15 to Compel, Defendants have produced only one document in the recent supplement
 16 that responds to those requests.

17 In addition, Defendants have not prepared supplemental responses to the
 18 discovery requests, arguing simply that they cannot provide any more "non-existent
 19 interrogatory responses." It should be noted that none of the Defendants have
 20 provided verified responses. Furthermore, Nevada Controls has already demonstrated
 21 that the responses are incomplete. Yet, Defendants have made no effort to
 22 supplement their responses.

23 In sum, Defendants continue to ignore the orders and rules of this Court. Such
 24 conduct must cease so that the parties can complete discovery and prepare this case
 25 for trial.

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1 **III. CONCLUSION**

2 Based upon the foregoing, Nevada Controls respectfully requests an order
3 compelling complete discovery responses by Wind Pump Power and Dan Rasure, and
4 it requests an order awarding all attorney's fees and costs incurred in pursuing this
5 motion.

6 Dated: May 13, 2013.

7 McDonald Carano Wilson LLP

8 /s/ Leigh Goddard

9 LEIGH GODDARD
10 JESSICA WOELFEL

11 Attorneys for Plaintiff / Counter-Defendant
12 Nevada Controls, LLC
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CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson LLP and that pursuant to LR 5-3 I caused to be electronically filed on this date a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF system; and by depositing a copy of the same in the U.S. Mail, first class postage fully prepaid, addressed to:

Mark Goodman
Goodman Law Center, P.C.
348 Mill Street
Reno, NV 89501

DATED: May 13, 2013.

/s/ Pamela Miller
Pamela Miller

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